

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

23-CR-80219-AMC

UNITED STATES OF AMERICA

v.

MICHAEL GORDON DOUGLAS,

Defendant.

**GOVERNMENT'S MOTION FOR STAY OF RELEASE ORDER
PENDING DISPOSITION OF THE GOVERNMENT'S APPEAL**

COMES NOW the United States of America, through its undersigned counsel, and moves this Court, having original jurisdiction over the offense charged, pursuant to Title 18, United States Code, Section 3145(a)(1), for an order staying the release order entered by the Honorable Magistrate Michael S. Berg of the Southern District of California, in case number 23-mj-04483-MSB on January 25, 2024, pending disposition of the government's motion for review. At that hearing, the Court set a \$100,000 bond secured by a trustee to the United States, with conditions. The government is in communication with the United States Attorneys Office for the Southern District of California in an attempt to acquire the recording of the two detention hearings in this matter, which was only audio recorded and therefore will need to acquire the same and have it transcribed. It is unknown how long this process will take. Such a stay will preserve this Court's jurisdiction and protect the integrity of its judicial process, in accordance with Title 28, United States Code, Section 1651(a), while any incremental harm to the defendant will be minimized by a prompt determination of the government's motion for review, in accordance with Title 18, United States Code, Section 3145(a).

The defendant hired private counsel in the Southern District of California, in attorney John D. Kirby, Esq, who represented the defendant at the bond hearing on January 25, 2024.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By: /s *Gregory Schiller*
Gregory Schiller
Assistant United States Attorney
Court No. A5501906
500 S. Australian Avenue, Suite 400
West Palm Beach, FL 33401
TEL: (561) 209-1045
Email: gregory.schiller@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/ *Gregory Schiller*
Assistant United States Attorney

SERVICE LIST
United States of America v. Michael Gordon Douglas
Case No. 23-CR-80219-AMC
United States District Court
Southern District of Florida

Gregory Schiller
U.S. Attorney's Office
500 S. Australian Avenue, Suite 400
West Palm Beach, Florida 33401
TEL: 561-820-8711
Attorney for USA
Method of Service: CM/ECF

John D. Kirby
110 W. A Street, Suite 1100
San Diego, CA 92101
jkirby@johnkirbylaw.com
Attorney for Defendant
Method of Service: Email